

United States District Court

FILED
CLERK'S OFFICE
MASSACHUSETTS

FIRST ACT INC.

DISTRICT OF

U.S. DISTRICT COURT
DISTRICT OF MASS.
SUMMONS IN A CIVIL CASE
CASE NUMBER:

2003 DEC 24 A 11:38

V.

KIDZ TOYZ, INC. and CHRISTMAS TREE
SHOPS, INC.

CASE NUMBER:

03-12507-EFH

TO: (Name and address of defendant)

Kidz Toyz, Inc.
222 Mamaroneck Avenue, Suite 207A
White Plains, NY 10605

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Joel R. Leeman, Esq.
BROMBERG & SUNSTEN LLP
125 Summer Street
Boston, MA 02110

an answer to the complaint which is herewith served upon you, within 20 (twenty) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

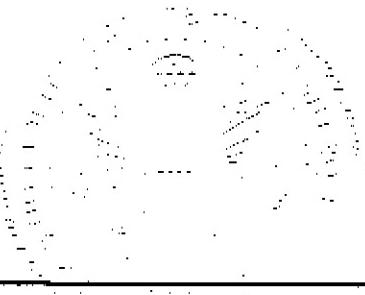
CLERK

(BY) DEPUTY CLERK

TONY ANASTAS

DATE

December 12, 2003

RETURN OF SERVICE		
Service of the Summons and Complaint was made by me ¹	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____ _____		
<input type="checkbox"/> Returned unexecuted: _____ _____		
<input type="checkbox"/> Other (specify): _____ _____		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on _____ Date _____	Signature of Server _____	
Address of Server _____		
DATE: <u>12/24/03</u> BY: <u>EBM</u>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

SCANNED

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FIRST ACT INC.,

Plaintiff(s),

-against-

KIDZ TOYZ, INC., ET AL.,

Defendant(s).

STATE OF NEW YORK)

S.S.:

COUNTY OF ROCKLAND)

FILED
CLERK'S OFFICE

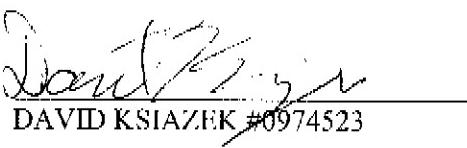
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Index No. 03-12507-EFH
U.S. DISTRICT COURT
DISTRICT OF MASS.
AFFIDAVIT OF SERVICE

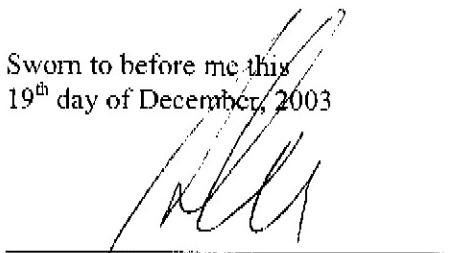
DAVID KSIAZEK, being duly sworn, deposes and says that he is over the age of eighteen years, is an agent for the attorney service, Beacon Hill Research, Inc., and is not a party to this action.

That on the 17TH day of December, 2003, at approximately 2:55 PM, deponent served a true copy of the SUMMONS, COMPLAINT AND JURY DEMAND, CIVIL COVER SHEET, FIRST ACT'S LOCAL RULE 7.3 STATEMENT, FIRST ACT'S MOTION FOR PRELIMINARY INJUNCTION AND MEMORANDUM IN SUPPORT upon KIDZ TOYZ, INC. at 222 Mamaroneck Avenue, Suite 207A, White Plains, New York 10605, by personally delivering and leaving the same with SCOTT SPIEGEL, who informed deponent that he is an president authorized by KIDZ TOYZ, INC. to receive service at that address.

SCOTT SPIEGEL is a white male, approximately 42 years of age, stands approximately 5 feet 9 inches tall, weighs approximately 170 pounds with brown and gray hair, brown eyes and glasses.


DAVID KSIAZEK #0974523

Sworn to before me this
19th day of December, 2003


NOTARY PUBLIC

Notary Public, State of New York
Qualified in Rockland County
No. 31-1912156
Cert. Filed in New York County
Commission Expires Oct. 31 2005